

March 15, 2002

LTC Peter W. Mueller  
U.S. Army Corps of Engineers  
69A Hagood Avenue  
Charleston, SC 29403-5107

Re: Certification in Accordance with Section 401 of the Clean Water Act, as amended.  
Certification in Accordance with the S.C. Coastal Zone Management Program

Dear Colonel Mueller:

Certification and finding of consistency

The Bureau of Water and the Office of Ocean and Coastal Resource Management have reviewed the U.S. Army Corps of Engineers proposal to amend the Nationwide Permit program regulations. Department staff determined that provided the proposed actions listed below (and in the attached table) are implemented and the proposed conditions are adhered to, there is a reasonable assurance that work authorized will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act, as amended, and the Coastal Zone Management Act (48-39-10 et.seq.).

In accordance with the provisions of Section 401, we certify that the indicated Nationwide Permits, subject to the provided conditions, are consistent with applicable provisions of Section 303 of the Federal Clean Water Act, as amended. We also hereby certify that there are no applicable effluent limitations under Sections 301(b) and 302, and that there are no applicable standards under Sections 306 and 307. The attached General Conditions apply to all Nationwide Permits.

**401 Water Quality Certification issued with no special conditions:**

4. Fish and Wildlife Harvesting, Enhancement,  
and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
15. U.S. Coast Guard Approved Bridges
25. Structural Discharges

**Coastal Zone Consistency Certification issued with no special conditions:**

1. Aids to Navigation
2. Structures in Artificial Canals
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities

8. Oil and Gas Structures
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
15. U.S. Coast Guard Approved Bridges
20. Oil Spill Cleanup
25. Structural Discharges

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**401 Water Quality Certification issued with conditions:  
(see attached list for conditions)**

3. Maintenance
7. Outfall Structures & Maintenance
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Crossings
18. Minor Discharges
19. Minor Dredging
20. Oil Spill Cleanup
22. Removal of Vessels
23. Approved Categorical Exclusions
27. Stream & Wetland Restoration Activities
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
36. Boat Ramps
37. Emergency Watershed Protection & Rehab
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, & Institutional Devel.
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities

**Denial and finding of inconsistency**

**Coastal Zone Consistency Certification issued with conditions: (see attached list for conditions)**

3. Maintenance
7. Outfall Structures & Maintenance
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Crossings
18. Minor Discharges
19. Minor Dredging
22. Removal of Vessels
27. Stream & Wetland Restoration Activities
29. Single-family Housing
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access and Dewatering
36. Boat Ramps
37. Emergency Watershed Protection & Rehab
38. Cleanup of Hazardous and Toxic Waste
39. Residential, Commercial, & Institutional Devel.
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
44. Mining Activities

We have determined that there is not a reasonable assurance that work authorized by the following Nationwide Permits will be conducted in a manner consistent with the certification requirements of Section 401 of the Federal Clean Water Act, as amended, or the Coastal Zone Management Act (48-39-10 et.seq.). In accordance with the provisions of Section 401 and the S.C. Coastal Zone Management Program , we deny 401 Water Quality Certification and Coastal Zone Consistency Certification for these Nationwide Permits.

**401 Water Quality Certification denied**

- 16. Return Water From Upland Cont. Disposal Areas
- 17. Hydropower Projects
- 21. Surface Coal Mining Activities
- 34. Cranberry Production

**Coastal Zone Consistency Certification denied**

- 16. Return Water From Upland Cont. Disposal Areas
- 17. Hydropower Projects
- 21. Surface Coal Mining Activities
- 23. Approved Categorical Exclusions
- 24. State Administered Section 404 Programs
- 28. Modifications of Existing Marinas
- 34. Cranberry Production
- 35. Maintenance Dredging of Existing Basins
- 42. Recreational Facilities
- 43. Stormwater Management Facilities

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In accordance with agency procedures, the Department issued a Notice of Proposed Decision on February 28, 2002, taking action on these Nationwide Permits. No appeal was received. Accordingly, this is DHEC's final action on the above referenced NWP's.

If you have any questions, feel free to call Rheta Geddings at (803) 898-4229 or Rob Mikell at (843) 747-4323 ext. 134.

Sincerely,

C. Earl Hunter  
Commissioner

CEH:MRG  
cc: Sam Finklea, DHEC Legal Office  
Rob Mikell, OCRM  
John Hensel, OCRM

<b>Nationwide Permit Number &amp; Topic</b>	<b>401 Cert Action</b>	<b>CZC Cert Action</b>
1. Aids to Navigation	N/A	Issue
2. Structures in Artificial Canals	N/A	Issue
3. Maintenance	Issue w/ Cond	Issue w/ Cond
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and	Issue	Issue
5. Scientific Measurement Devices	Issue	Issue
6. Survey Activities	Issue	Issue
7. Outfall Structures and Maintenance	Issue w/ Cond	Issue w/ Cond
8. Oil and Gas Structures	N/A	Issue
9. Structures in Fleeting and Anchorage Areas	N/A	Issue
10. Mooring Buoys	N/A	Issue
11. Temporary Recreational Structures	N/A	Issue
12. Utility Line Activities	Issue w/ Cond	Issue w/ Cond
13. Bank Stabilization	Issue w/ Cond	Issue w/ Cond
14. Linear Transportation Projects	Issue w/ Cond	Issue w/ Cond
15. U.S. Coast Guard Approved Bridges	Issue	Issue
16. Return Water From Upland Contained Disposal Areas	Deny	Deny
17. Hydropower Projects	Deny	Deny
18. Minor Discharges	Issue w/ Cond	Issue w/ Cond
19. Minor Dredging	Issue w/ Cond	Issue w/ Cond
20. Oil Spill Cleanup	Issue w/ Cond	Issue
21. Surface Coal Mining Activities	Deny	Deny
22. Removal of Vessels	Issue w/ Cond	Issue w/ Cond
23. Approved Categorical Exclusions	Issue w/ Cond	Deny
24. State Administered Section 404 Programs	N/A	Deny
25. Structural Discharges	Issue	Issue
26. [Reserved]	N/A	N/A
27. Stream and Wetland Restoration Activities	Issue w/ Cond	Issue w/ Cond
28. Modifications of Existing Marinas	N/A	Deny
29. Single-family Housing	Issue w/ Cond	Issue w/ Cond
30. Moist Soil Management for Wildlife	Issue w/ Cond	Issue w/ Cond
31. Maintenance of Existing Flood Control Facilities	Issue w/ Cond	Issue w/ Cond
32. Completed Enforcement Actions	Issue w/ Cond	Issue w/ Cond
33. Temporary Construction, Access and Dewatering	Issue w/ Cond	Issue w/ Cond
34. Cranberry Production Activities	Deny	Deny
35. Maintenance Dredging of Existing Basins	N/A	Deny
36. Boat Ramps	Issue w/ Cond	Issue w/ Cond
37. Emergency Watershed Protection and Rehabilitation	Issue w/ Cond	Issue w/ Cond
38. Cleanup of Hazardous and Toxic Waste	Issue w/ Cond	Issue w/ Cond
39. Residential, Commercial, and Institutional Developments	Issue w/ Cond	Issue w/ Cond
40. Agricultural Activities	Issue w/ Cond	Issue w/ Cond
41. Reshaping Existing Drainage Ditches	Issue w/ Cond	Issue w/ Cond
42. Recreational Facilities	Issue w/ Cond	Deny
43. Stormwater Management Facilities	Issue w/ Cond	Deny
44. Mining Activities	Issue w/ Cond	Issue w/ Cond

